

UNITED STATES DISTRICT COURT  
for the  
Northern District of Ohio

Allstates Refractory Contractors, LLC

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*Plaintiff(s)*

v.

Civil Action No. 3:21-cv-01864

Martin J. Walsh, in his official capacity; United States  
Department of Labor; James Frederick, in his official  
capacity; Occupational Safety and Health  
Administration

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)

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*Defendant(s)*

)

**SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*) James Frederick  
U.S. Department of Labor  
Occupational Safety & Health Administration  
200 Constitution Ave. NW  
Washington, DC 20210

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brett A. Shumate  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 10/1/2021



SANDY OPACICH, CLERK OF COURT

s/Jessica Hancock

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3:21-cv-01864

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: Per Fed. R. Civ. P. 4(i)(1)(A) and (i)(1)(B), I sent a copy of this summons and the complaint via  
certified mail to the U.S. Attorney for the Northern District of Ohio and via certified mail to the Attorney  
General of the United States. Pursuant to Fed. R. Civ. P. 4(i)(2), I also sent a copy of this summons  
and the complaint via certified mail to Defendant James Frederick.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc:

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Allstates Refractory Contractors, LLC

Plaintiff

Case No.: 3:21-cv-01864-JZ

vs.

Martin J. Walsh, et al.

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Defendant(s)

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

I, Mark A. Russell, Jr., a Private Process Server, being duly sworn, depose and say, I have been duly authorized to make service of the documents listed herein in the above entitled case, I am over the age of eighteen years and am not a party to or otherwise interested in this matter.

DOCUMENT(S): Summons In A Civil Action and Complaint for Declaration and Injunctive Relief

SERVE TO: James Frederick, in his official capacity as Acting Assistant Secretary of Labor for Occupational Safety and Health

SERVICE ADDRESS: 200 Constitution Avenue, NW, Washington, DC 20210

METHOD OF SERVICE: Per COVID-19 service of process protocol, service was completed by mailing a copy of the documents listed herein to James Frederick, in his official capacity as Acting Assistant Secretary of Labor for Occupational Safety and Health at 200 Constitution Avenue, NW, Washington, DC 20210 on 10/04/2021 via United States Postal Service, Certified Mail, Return Receipt Requested. Article Number: 7020 1290 0000 9482 1971. Service was signed for on 10/12/2021, return receipt attached.

I declare under penalty of perjury that this information is true.

10/19/2021

Executed On



  
\_\_\_\_\_  
Mark A. Russell, Jr.  
Client Ref Number: 626165-000001  
Job #: 1594493

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

James Frederick, Occupational Health & Safety Administration, US Department of Labor, 200 Constitution Avenue, NW Washington, DC 20210



9590 9402 6227 0265 7491 14

**2. Article Number (Transfer from service label)**

7020 1290 0000 9482 1971

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**
 Agent  
 Addressee
**B. Received by (Printed Name)**

Christie Garner

**C. Date of Delivery**  
 10/12/21

**D. Is delivery address different from item 1?**  Yes  
 If YES, enter delivery address below:  No

<b>3. Service Type</b>	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery	
<input type="checkbox"/> Collect on Delivery Restricted Delivery (\$500)	
<input type="checkbox"/> Standard Mail	
<input type="checkbox"/> Standard Mail Restricted Delivery	

 Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70201290000094821971[Remove X](#)

Your item was delivered to an individual at the address at 6:53 am on October 12, 2021 in WASHINGTON, DC 20210.

[Feedback](#)

## Delivered, Left with Individual

October 12, 2021 at 6:53 am  
WASHINGTON, DC 20210

[Get Updates ▾](#)

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[Text & Email Updates ▾](#)

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[Tracking History ^](#)

**October 12, 2021, 6:53 am**  
Delivered, Left with Individual

WASHINGTON, DC 20210

Your item was delivered to an individual at the address at 6:53 am on October 12, 2021 in WASHINGTON, DC 20210.

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**October 9, 2021, 10:49 am**

Available for Pickup

WASHINGTON, DC 20210

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**October 9, 2021, 10:49 am**

Available for Pickup

WASHINGTON, DC 20427

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**October 9, 2021, 9:21 am**

Arrived at Post Office

WASHINGTON, DC 20018

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**October 8, 2021**

In Transit to Next Facility

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**October 6, 2021, 8:11 am**

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

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Feedback

## Product Information



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### FAQs

Feedback